

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

MAR 31 2005

PATENT APPLICATION

ATTORNEY DOCKET NO. 10007653-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Shell S. Simpson

Confirmation No.: 5600

Application No.: 09/874,409

Examiner: Hanne Sara M.

Filing Date: Jun. 4, 2001

Group Art Unit: 2173

Title: System and Method For Providing A History List Of Existing Imaging Compositions

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Feb. 1, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

| | |
|------------------|-----------|
| () one month | \$120.00 |
| () two months | \$450.00 |
| () three months | \$1020.00 |
| () four months | \$1590.00 |

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

() I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA
22313-1450. Date of Deposit: _____

OR

(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 872-9306 on Mar. 31, 2005

Respectfully submitted,

Shell S. Simpson

By


Jack H. McKinney

Attorney/Agent for Applicant(s)

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10007653-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Shell S. Simpson

Confirmation No.: 5600

Application No.: 09/874,409

Examiner: Hanne Sara M.

Filing Date: Jun. 4, 2001

Group Art Unit: 2173

Title: System and Method For Providing A History List Of Existing Imaging Compositions

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Feb. 1, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

| | |
|------------------|-----------|
| () one month | \$120.00 |
| () two months | \$450.00 |
| () three months | \$1020.00 |
| () four months | \$1590.00 |

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

() I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA
22313-1450. Date of Deposit: _____

Respectfully submitted,

Shell S. Simpson

OR
(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 872-9306 on Mar. 31, 2005

By _____

Jack H. McKinney

Attorney/Agent for Applicant(s)

Number of pages: 17

RECEIVED
CENTRAL FAX CENTER

MAR 31 2005

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date of Deposit: March 31, 2005Typed or printed name: Tanra F. PaulinSignature: PATENT APPLICATION
DOCKET NO. 10007653-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Shell S. Simpson

GROUP ART UNIT: 2173

SERIAL NO.: 09/874,409

EXAMINER: Hanne, Sara M

FILED: 06/04/2001

SUBJECT: **SYSTEM AND METHOD FOR PROVIDING A HISTORY LIST OF
EXISTING IMAGING COMPOSITIONS**APPELLANTS'/APPLICANTS' OPENING BRIEF ON APPEAL

1. REAL PARTY IN INTEREST.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS.

Claims 1-17 are pending and stand rejected. All pending claims are appealed.

4. STATUS OF AMENDMENTS.

No amendments have been filed after the final action was been entered. All previous amendments, if any, have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER.

Claim 1 recites a system for providing a history list of imaging compositions for a user. See, e.g., Specification, page 8, lines 9-15. The system includes a history list of the imaging compositions where each imaging composition has links to imaging data to be serviced as a single unit and the imaging data associated with the user through a user profile. See, e.g., Specification, Page 9, lines 13-25. The system includes a composition store for storing the history list and the existing imaging compositions and for maintaining the history list. See, e.g., Specification, Page 9, lines 13-25. The system also includes a personal imaging repository that provides, for the composition store, an exchange infrastructure between the imaging data associated with the user and available web services. See, e.g., Specification, Page 9, lines 13-25. Claims 2-11 each ultimately depend from Claim 1

Claim 12 recites a method for providing a history list of imaging compositions for a user. See, e.g., Specification, page 8, lines 9-15. The method includes receiving, on behalf of the user, a new imaging composition from a network service. See, e.g., Specification, page 15, lines 10-22. The imaging composition includes links to imaging data to be serviced as a single unit and is associated with the user through a user profile. See, e.g., Specification, Page 9, lines 13-25. The new imaging composition is saved to a composition store of a personal imaging repository associated with the user through the user profile. See, e.g., Specification, page 15, lines 10-22. The new imaging composition is added to a history list maintained by the composition store, and the history list is provided to the user associated with the personal imaging repository in response to a request for the history list. See, e.g., Specification, page 15, lines 10-22 and page 16, lines 9-20. Claims 13-15 depend from Claim 12.

Claim 16 recites a computer readable medium containing program code for performing the method of Claim 12.

Claim 17 recites a system that includes means for performing the method of Claim 12.

6. GROUNDS FOR REJECTION TO BE REVIEWED.

A. McKnight (USPN 6,670,974) does not teach or suggest a history list of imaging compositions where each imaging composition includes links to imaging data to be serviced as a single unit and where the imaging data is associated with a user through a user profile.

B. McKnight (USPN 6,670,974) does not teach or suggest a composition store for storing the history list and the existing imaging compositions, wherein the composition store maintains said history list.

C. McKnight (USPN 6,670,974) does not teach or suggest a personal imaging repository providing, for the composition store, an exchange infrastructure between the imaging data associated with the user and available web services.

D. McKnight (USPN 6,670,974) does not teach or suggest receiving, on behalf of a user, a new imaging composition from a network service, the imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile.

7. ARGUMENT.

A. **Ground for Rejection A (Claims 1-11) – McKnight (USPN 6,670,974) does not teach or suggest a history list of imaging compositions where each imaging composition includes links to imaging data to be serviced as a single unit and where the imaging data is associated with a user through a user profile.**

Claims 1-5 and 7-9 were rejected under 35 U.S.C. §102(b) as being anticipated by USPN 6,670,974 issued to McKnight. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over McKnight in view of USPN 5,903,889 issued to de la Hueraga. Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over McKnight in view of USPN 6,049,812 issued to Bertram.

As discussed above, Claim 1 recites a system for providing a history list of imaging compositions for a user and requires the following specific combination of elements:

1. a history list of the imaging compositions, each imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile;
2. a composition store for storing said history list and said existing imaging compositions, wherein said composition store maintains said history list, and
3. a personal imaging repository providing for the composition store an exchange infrastructure between the imaging data associated with the user and available web services.

With respect to the first element listed above, the Examiner asserts that McKnight

1. col. 4, lines 43-44 teaches "a system that provides a history list of compositions;"
2. col. 9, lines 61-67 teaches "each imaging composition includes links to imaging data to be services [sic] as a single unit;" and
3. col. 7, line 32 et seq. teaches "imaging data associated with a user through a user profile."

As indicated in the sections cited by the Examiner, McKnight does teach a usage context that can provide a history of items such as accessed web sites. However McKnight fails to teach the specific history list required by the first element of Claim 1. That is, McKnight does not teach a history list of imaging compositions where each imaging composition includes links to imaging data to be serviced as a single unit and where the imaging data is associated with a user through a user profile as required by Claim 1.

Contrary to the Examiner's assertion, the sections of McKnight, specifically col. 7, line 32 et seq, do not teach a history list of imaging compositions having links to imaging *data associated with a particular user through a user profile* in the manner required by Claim 1. The sections relied upon by the Examiner, specifically McKnight, col. 7, line 32 et seq. describe default settings that specify the color, window size, font type, time intervals displayed, and association representation format for a user interface window. Nothing in the sections cited teach or suggest a history list of imaging compositions that have links to imaging data *associated with a particular user*

through a user profile. McKnight's default settings do not associate imaging data with a particular user or anything else for that matter.

For at least this reason, Claim 1 is felt to distinguish over McKnight. Claims 2-11 are also felt to distinguish patentably based at least on their dependency from Claim 1.

B. Ground for Rejection B (Claims 1-11) – McKnight (USPN 6,670,974) does not teach or suggest a composition store for storing the history list and the existing imaging compositions, wherein the composition store maintains said history list .

Claims 1-5 and 7-9 were rejected under 35 U.S.C. §102(b) as being anticipated by USPN 6,670,974 issued to McKnight. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over McKnight in view of USPN 5,903,889 issued to de la Hueriga. Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over McKnight in view of USPN 6,049,812 issued to Bertram.

As discussed above, Claim 1 recites a system for providing a history list of imaging compositions for a user and requires the following specific combination of elements:

1. a history list of the imaging compositions, each imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile;
2. a composition store for storing said history list and said existing imaging compositions, wherein said composition store maintains said history list, and
3. a personal imaging repository providing for the composition store an exchange infrastructure between the imaging data associated with the user and available web services.

With respect to the second element of Claim 1, listed above, the Examiner asserts that McKnight, col. 3, lines 3-5 teaches a "composition store used for storing the list and compositions and maintaining the list." The cited section is taken from McKnight's summary and merely states the following:

In a preferred embodiment, saved usage contexts may be stored and selectively accessed on a user's information handling system. In another embodiment, the persistent usage context may act to load previously accessed sites into a user's web browser to enable the user to utilize the forward and backward buttons as if the web session were still active.

Nothing in this section even hints at a composition store that is responsible for storing a history list of imaging compositions as well as the imaging compositions themselves in the manner required by Claim 1.

For at least this additional reason, Claim 1 is felt to distinguish over McKnight. Claims 2-11 are also felt to distinguish patentably based at least on their dependency from Claim 1.

C. Ground for Rejection C (Claims 1-11) – McKnight (USPN 6,670,974) does not teach or suggest a personal imaging repository providing, for the composition store, an exchange infrastructure between the imaging data associated with the user and available web services.

Claims 1-5 and 7-9 were rejected under 35 U.S.C. §102(b) as being anticipated by USPN 6,670,974 issued to McKnight. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over McKnight in view of USPN 5,903,889 issued to de la Huerga. Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over McKnight in view of USPN 6,049,812 issued to Bertram.

As discussed above, Claim 1 recites a system for providing a history list of imaging compositions for a user and requires the following specific combination of elements:

1. a history list of the imaging compositions, each imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile;
2. a composition store for storing said history list and said existing imaging compositions, wherein said composition store maintains said history list, and
3. a personal imaging repository providing for the composition store an exchange infrastructure between the imaging data associated with the user and available web services.

With respect to the third element, the Examiner asserts that McKnight, col. 3, lines 1-3 teaches a "a personal imaging repository that provides, for a composition store, an exchange infrastructure between the imaging data associated with the user and available web service." The cited section is taken from a paragraph from McKnight's summary section that discloses a method and system in which a "persistent usage context . . . may be stored." McKnight, col. 2, lines 56-58. That usage context, for example, "may act to load previously accessed web sites into a user's web browser to enable the user to utilize the forward and backward buttons as if the [previous] web session were still active." McKnight, col. 3, lines 6-9.

Contrary to the Examiner's assertion, McKnight does not teach a personal imaging repository that provides, for a composition store, an exchange infrastructure between the imaging data associated with the user and available web services as required by the third limitation of Claim 1. Specifically, McKnight does not teach an exchange infrastructure between imaging data associated with a particular user and web services.

For at least this additional reason, Claim 1 is felt to distinguish over McKnight. Claims 2-11 are also felt to distinguish patentably based at least on their dependency from Claim 1.

D. Ground for Rejection D (Claims 12-17) – McKnight (USPN 6,670,974) does not teach or suggest receiving, on behalf of a user, a new imaging composition from a network service, the imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile.

Claims 12, 16, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by USPN 6,670,974 issued to McKnight. Claims 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over McKnight in view of USPN 6,049,812 issued to Bertram.

As discussed above, Claim 12 recites a method for providing a history list of imaging compositions and requires the following limitations:

1. receiving, on behalf of a user, a new imaging composition from a network service, the imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile;

2. saving said new imaging composition to a composition store of a personal imaging repository associated with the user through the user profile;
3. adding said new imaging composition to a history list maintained by the composition store; and,
4. providing the history list to the user associated with the personal imaging repository responsive to a request for the history list.

With respect to the first element listed above, the Examiner asserts that McKnight

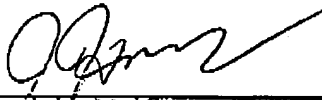
1. col. 4, lines 43-44 teaches "receiving, on behalf of a user, a new imaging composition from a network service;"
2. col. 9, lines 61-67 teaches "each imaging composition includes links to imaging data to be services [sic] as a single unit;" and
3. col. 7, line 32 et seq. teaches "imaging data associated with a user through a user profile."

As indicated in the sections cited by the Examiner, McKnight does teach a usage context that can provide a history of items such as accessed web sites. However McKnight fails to teach receipt of a new imaging composition in the manner required by the first element of Claim 12. That is, McKnight does not teach receiving, on behalf of a user, a new imaging composition from a network service, the imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile as required by Claim 12.

Contrary to the Examiner's assertion, the sections of McKnight, specifically col. 7, line 32 et seq, do not teach a history list of imaging compositions having links to imaging *data associated with a particular user through a user profile* in the manner required by Claim 12. The sections relied upon by the Examiner, specifically McKnight, col. 7, line 32 et seq, describe default settings that specify the color, window size, font type, time intervals displayed, and association representation format for a user interface window. Nothing in the sections cited teach or suggest a history list of imaging compositions that have links to imaging data *associated with a particular user through a user profile*. McKnight's default settings do not associate imaging data with a particular user or anything else for that matter.

For at least this reason, Claim 12 is felt to distinguish over McKnight. Claims 13-15 are also felt to distinguish patentably based at least on their dependency from Claim 12. Claim 16 is directed to a computer program product having instructions for implementing the method steps of Claim 12. Claim 17 is directed to a system having means for implementing the method steps of Claim 12. For the same reasons Claim 12 is patentable, so are Claims 16 and 17.

Respectfully submitted,
Shell S. Simpson

By 

Jack H. McKinney
Reg. No. 45,685
(208) 433-1991

APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

1. A system for providing a history list of imaging compositions for a user, comprising:

a history list of the imaging compositions, each imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile;

a composition store for storing said history list and said existing imaging compositions wherein said composition store maintains said history list, and

a personal imaging repository providing for the composition store an exchange infrastructure between the imaging data associated with the user and available web services.

2. The system as defined in claim 1 further comprising an extension component providing access to user information for associating a user profile to said personal imaging repository.

3. The system as defined in claim 1 wherein each imaging data included in said imaging composition is indicated by a Uniform Resource Locator.

4. The system as defined in claim 1 wherein said personal imaging repository further comprising an imaging data store for storing imaging data.

5. The system as defined in claim 4 wherein said imaging data store stores the imaging data in a plurality of file formats.

6. The system as defined in claim 5 wherein said personal imaging repository further comprising a converter for converting the imaging data to any of said plurality of file formats.

7. The system as defined in claim 5 wherein said plurality of file formats of said personal imaging repository is any one from the group consisting of:

Joint Photographic Experts Group Format;

Graphics Interchange Format;
Portable Network Graphics Format;
Tagged Image File Format;
Portable Document Format; and,
Microsoft Windows bitmap format.

8. The system as defined in claim 1 wherein said composition store receives and saves a new imaging composition in said history list.

9. The system as defined in claim 1 wherein said composition store adds a new imaging composition in said history list when a new imaging composition is saved in said composition store.

10. The system as defined in claim 1 wherein said history list has a predefined maximum number of imaging compositions allowed in a single history list.

11. The system as defined in claim 10 wherein said client computer deletes an oldest imaging composition from said history list to make space for adding a new imaging composition to said history list.

12. A method for providing a history list of imaging compositions for a user, comprising the steps of:

receiving, on behalf of the user, a new imaging composition from a network service, the imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile;

saving said new imaging composition to a composition store of a personal imaging repository associated with the user through the user profile;

adding said new imaging composition to a history list maintained by the composition store; and,

providing the history list to the user associated with the personal imaging repository responsive to a request for the history list.

13. The method according to claim 12 wherein prior to said step of receiving a new imaging composition further comprising the steps of:
requesting connection to the composition store; and,
determining whether connection to the network service is successful;
returning an error message when the connection with the network service is not successful; and,
sending a new imaging composition to the composition store when the connection with the network service is successful.

14. The method according to claim 12 wherein prior to said step of adding said imaging composition further comprising the steps of:
determining whether a predefined maximum number of existing imaging compositions are already in said history list; and,
deleting an oldest imaging composition from said history list only when said predefined maximum number of existing imaging compositions are already in said history list.

15. The method according to claim 12 wherein prior to the step of providing the history list further comprising the steps of:
requesting connection to the composition store; and,
determining whether connection to the network service is successful;
returning an error message when the connection with the network service is not successful; and,
requesting the history list from the composition store when the connection with the network service is successful.

16. A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:
receive, on behalf of a user, a new imaging composition from a network service, the imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile;

save said new imaging composition to the composition store of a personal imaging repository associated with the user through the user profile;

add said new imaging composition to a history list maintained by the composition store; and,

provide the history list to the user associated with the personal imaging repository responsive to a request for the history list.

17. A system for providing a history list of imaging compositions for a user, comprising:

a means for receiving, on behalf of the user, a new imaging composition from a network service, the imaging composition having links to imaging data to be serviced as a single unit, the imaging data associated with the user through a user profile;

a means for saving said new imaging composition to a composition store of a personal imaging repository associated with the user; through the user profile;

a means for adding said new imaging composition to a history list maintained by the composition store; and,

a means for providing the history list to the user associated with the personal imaging repository responsive to a request for the history list..

Evidence Appendix

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.